

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE	PAGE	OF	PAGES
	1		24

2. AMENDMENT/MODIFICATION NO. 0002	3. EFFECTIVE DATE See Block 16C	4. REQUISITION/PURCHASE REQ. NO. W-9-W1-20-OA-G00 000	5. PROJECT NO. (If applicable)
6. ISSUED BY Internal Revenue Service 6009 Oxon Hill Road, Suite 500 Oxon Hill, MD 20745 Leona M. Brown 202-283-1296		7. ADMINISTERED BY (If other than Item 6) See Item 6	CODE

8. NAME AND ADDRESS OF CONTRACTOR (No. Street, county, State and ZIP: Code) TO ALL OFFERORS Vendor ID: 00055905	(x)	9A. AMENDMENT OF SOLICITATION NO. TIRNO-08-R-00026
	X	9B. DATED (SEE ITEM 11) 11/06/2008
		10A. MODIFICATION OF CONTRACT/ORDER NO.
		10B. DATED (SEE ITEM 13)
CODE	FACILITY CODE	

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing Items 8 and 15, and returning 1 copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATA SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and data specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

(x)	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER Specify type of modification and authority)

E. IMPORTANT: Contractor is not, is required to sign this document and return copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

See SF30 Continuation Sheet

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)	
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED
(Signature of person authorized to sign)		BY (Signature of Contracting Officer)	

SF30 CONTINUATION SHEET

THE PURPOSE OF THIS AMENDMENT IS TO CHANGE SUBJECT SOLICITATION AS FOLLOWS:

1. The description of contract line items (CLINs) 0006, 1006, 2006, 3006, and 4006 is hereby changed to Individual Subcontracting Reports and Summary Subcontracting Reports.
2. Solicitation Attachment 1, Statement Of Work For Electronic Return Preparation And Transmission Software And Support, Section 7.1.2 Employee Background Investigations, paragraph 1 shall now read, "The contractor shall comply with Internal Revenue Manual (IRM) 10.23.2, Contractor Investigations and . . .".
3. FAR 52.252-1, Solicitation Provisions Incorporated by Reference (Feb 1998), is hereby revised to incorporate only the following provisions:
 - 52.219-24, Small Disadvantaged Business Participation Program -Targets (Oct 2000)
 - 52.222-24, Preadward On-Site Equal Opportunity Compliance Evaluation. (Feb 1999)
4. FAR 52.252-2, Clauses Incorporated By Reference (Feb 1998), is hereby added to subject solicitation and incorporates the following clauses:
 - 52.204-4, Printed Or Copied Double-Sided On Recycled Paper (Aug 2000)
 - 52.224-1, Privacy Act Notification (Apr 1984)
 - 52.224-2, Privacy Act (Apr 1984)
 - 52.253-1, Computer Generated Forms (Jan 1991)
 - 52.203-3, Gratuities (Apr 1984)
 - 52.227-19, Commercial Computer Software License (Dec 2007)
 - 52.232-17, Interest (Oct 2008)

- 52.232-18, Availability Of Funds (Apr 1984)
- 52.237-3, Continuity Of Services (Jan 1991)
- 52.242-13, Bankruptcy (Jul 1995)
- 52.242-15, Stop-Work Order (Aug 1989)
- 52.243-1, Changes--Fixed-Price (Aug 1987)--Alternate II (Apr 1984)
- 52.247-34, F.O.B. Destination (Nov 1991)
- 52.249-8, Default (Fixed-Price Supply And Service) (Apr 1984)

5. The dates of the following clauses are hereby corrected as follows:

IRSAP 1052.224-9006, Nondisclosure of Information - January 1998

IRSAP 1052.224.9000 (c), Disclosure of Information -- Safeguards - November 2005

IRSAP 1052.224-9000 (a), Disclosure of Information - Safeguards - January 1998

FAR 52.212-4, Contract Terms and Conditions--Commercial Items - October 2008

FAR 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders--Commercial Items - October 2008

FAR 52.212-1 Instructions To Offerors--Commercial Items - June 2008

FAR 52.212-3, Offeror Representations and Certifications - Commercial Items - June 2008

6. The titles of the following clauses are hereby corrected as follows:

IRSAP 1052.224-9000(d), Disclosure of "Official Use Only", is hereby corrected to read, Disclosure of "Sensitive but Unclassified" Information Safeguards (March 2008)

IRSAP 1052.224-9001(a), Disclosure of Information--, is hereby corrected to read, IRSAP 1052.224-9001(a), Disclosure of Information -- Criminal/Civil Sanctions (Jan 1988)

DTAR 1052.201-70, Contracting Officer's Technical, is hereby corrected to read, DTAR 1052.201-70, Contracting Officer's Technical Representative (COTR) Appointment and Authority (Apr 2004)

7. The following clauses are hereby revised:

(a) IRSAP 1052.242-9000, Post Award Evaluation of Contractor Performance (OCT 2000), is hereby revised to read:

IRSAP 1052.242-9000--POST AWARD EVALUATION OF CONTRACTOR PERFORMANCE (SEP 2006)

a. Contractor Performance Evaluations

Interim and final evaluations of contractor performance will be prepared on this contract in accordance with FAR Subpart 42.15. A final performance evaluation will be prepared at the time of completion of work. In addition to the final evaluation, interim evaluations will be prepared annually to coincide with the anniversary date of the contract.

Interim and final evaluations shall be available to the Contractor through the National Institutes of Health Contractor Performance System (CPS) as soon as practicable after completion of the evaluation. The Contractor will be permitted thirty days to review the document and to submit additional information or a rebutting statement. Any disagreement between the parties regarding an evaluation will be referred to an individual one level above the CO, whose decision shall be final.

Copies of the evaluations, Contractor responses, and review comments, if any, will be retained as part of the contract file, and may be used to support future award decisions.

b. Electronic Access to Contractor Performance Evaluations

Contractors must register with CPS in order to review and comment on agency prepared contractor interim and final evaluation reports. Contractors can do this by registering online at the CPS web site.

The registration process requires the contractor to identify an individual that will serve as a primary contact and who will be authorized access to the evaluation for review and comment. In addition, the Contractor will be required to identify an alternate contact who will be responsible for notifying the cognizant contracting official in the event the primary contact is unavailable to process the evaluation within the required 30-day time frame.

[End of clause]

(b) FAR 52.219-9, Small Business Subcontracting Plan, is hereby revised in accordance with FAR 52.219-9, Small Business Subcontracting Plan, Alternate II.

(c) IR1052-04-001, Instructions To Offerors For Performance Requirements, is hereby reformatted as follows:

In support of the performance requirements stated in FAR clause 52.219-14, Limitations on Subcontracting, the following information shall be provided in the space below. If not enough room has been provided below, please submit an attachment to your proposal detailing the information required.

For services (except construction) add:

At least 50 percent of the cost of contract performance incurred for personnel shall be expended for employees of _____ .

Employees of _____ will provide the following services in fulfilling the contract requirements. List the services and estimated cost of performance incurred for personnel, and provide brief narrative description.

For supplies (other than procurement from a regular dealer in such supplies) add:

The _____ shall perform work for at least 50 percent of the cost of manufacturing the supplies, not including the cost of materials.

Employees of _____ will perform the following work in fulfilling the manufacturing requirements. List the items and estimated cost of manufacturing, not including materials, and provide brief narrative description.

For general construction or construction by special trade contractors add:

The _____ will perform at least _____ percent of the cost of the contract, not including the cost of materials, with its own employees.

Employees of _____ perform the following work in fulfilling the contract requirements. List the work and estimated percent of contract cost, and provide brief narrative description.

(d) DTAR 1052.219-70, SF 294 and SF 295 Reporting (March 2002) is hereby deleted.

8. Solicitation Attachment 4, Department of the Treasury Small, HUBZone Small, Small Disadvantaged, Women-Owned Small, Veteran-Owned Small, & Service Disabled Veteran-Owned Small Business Concerns Subcontracting Plan Outline, paragraph 1 is hereby revised to read, "...for fiscal year 2009."

9. FAR 52.212-2, Evaluation--Commercial Items (JAN 1999), is hereby revised as follows:

(a) The Government will award a contract resulting from this solicitation to the responsible offeror whose offer conforming to the solicitation will be most advantageous to the Government, price and other factors considered. The following factors shall be used to evaluate offers:

1. Mandatory Requirements
2. Section 508 Standards
3. Optional Requirements
4. Past Performance
5. Small Disadvantaged Business (SDB) Participation
6. Price

The evaluation will be conducted in two phases, Phase 1 and Phase 2. Under Phase 1, only the Mandatory Requirements will be evaluated to determine if each offeror's proposal meets the mandatory technical requirements of the statement of work. This evaluation will be conducted on a "pass/fail" basis. Offerors must receive a rating of "pass" under all mandatory technical requirements of the statement of work to be eligible for award and to move into Phase 2 of the evaluation.

Under Phase 2, proposals will initially be evaluated to determine each offeror's ability to comply with the technical standards issued by the Architectural and Transportation Barriers Compliance Board (Access Board), pursuant to Section 508 (a) (2) (A) of the Rehabilitation Act Amendments of 1998. Provided all mandatory technical requirements are met, the IRS must acquire the product that fully meets the Access Board's technical provisions and the accessibility needs of the intended end users. If no offered product meets all of the technical provisions, the Access Board's standards require an agency to "procure the product that best meets the standards" (see 36 CFR 1194.2(b)), unless an undue burden determination justifies otherwise. Designating this procurement as an undue burden will be considered only if after all proposals have been evaluated; and based on both technical and pricing information provided, it is deemed that such a determination is warranted.

In the event there are two (2) or more vendors who offer the most compliant product and have obtained a rating of "pass" for all mandatory technical requirements, the offerors will be further evaluated to determine the proposal that provides the best value to the government using the remaining

factors. They are listed below in descending order of importance:

1. Optional Requirements
2. Past Performance
3. Small Disadvantaged Business (SDB) Participation
4. Price

As non-price factors, optional requirements, past performance, and SDB participation, become more equal among offerors, price will become more significant.

See Solicitation Attachment 2, Addendum To FAR 52.212-2, for additional information regarding the evaluation methodology.

(b) Options. The Government will evaluate offers for award purposes by adding the total price for all options to the total price for the basic requirement. The Government may determine that an offer is unacceptable if the option prices are significantly unbalanced. Evaluation of options shall not obligate the Government to exercise the option(s).

(c) A written notice of award or acceptance of an offer, mailed or otherwise furnished to the successful offeror within the time for acceptance specified in the offer, shall result in a binding contract without further action by either party. Before the offer's specified expiration time, the Government may accept an offer (or part of an offer), whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award.

(End of Provision)

10. Solicitation Attachment 2 is hereby revised in accordance with Attachment 1 of this Amendment.

11. Solicitation Questions and Responses are hereby provided below:

Question1: Is the IRS going to issue this RFP as an 8(a) or small business set aside?

Answer: This requirement has not been set-aside for either 8(a) or small businesses.

Question 2: Do small businesses need to submit small business sub-contracting plans?

Answer: In accordance with FAR 19.702 (b) (1), subcontracting plans are not required from small businesses.

Question 3. Is there any chance there might be an extension to the timeframe since it's not until tax season 2010 that the RFP will be in effect?

Answer: The anticipated award date of the solicitation is January 2009. Contract performance will begin on the date of award.

Amendment Attachment 1

SOLICITATION ATTACHMENT 2

ADDENDUM TO FAR 52.212-1

I. QUESTIONS/PROPOSAL DUE DATES

Questions regarding the solicitation's technical or contractual content will be received, in writing, by the Procurement office until October 31, 2008. Questions must be sent by e-mail to the contract specialist at leona.m.brown@irs.gov. No telephonic inquiries will be accepted. An amendment will be released providing responses to questions that were received by the above date. Questions received after the date will not be guaranteed responses before the closing date of the solicitation.

Proposals to this solicitation must be received by 10:00 a.m., EST, November 12, 2008.

II. STRUCTURE OF PROPOSALS

All proposals must contain technical and price proposals in accordance with the instructions below. To be considered responsive, vendors must also submit fully executed copies of all certifications and representations, a signed copy of the solicitation document, including all amendments and follow any other instructions contained in clause FAR 52.212-1, Instructions To Offerors -- Commercial Items unless contrary instructions are given herein. Offerors shall not submit copies in excess of those requested nor submit copies in formats other than those set forth below. Proposals that are not structured in accordance with the instructions set forth in this solicitation may be considered non-responsive and ineligible for inclusion in the competitive range, if discussions are determined necessary, and ineligible for award. Proposals shall be structured and submitted as follows:

1. Hard Copy of Proposal

Each offeror must submit one complete hard copy of their proposal, with applicable signatures, that must contain the following:

- (1) One (1) copy of the completed solicitation, including any amendments with definitive statements to all representations and certifications. FAR 52.219-14, Limitations on Subcontracting, and its subsequent certification, IR1052-04-001, Instructions to Offerors for Performance Requirements, is applicable only to HUBZone Firms submitting proposals as prime contractors.

- (2) One (1) copy of their technical proposal.
- (3) One (1) copy of their price proposal.
- (4) One (1) copy of the Small Business Subcontracting Plan
- (5) Two (2) copies, each; of the proposed software, training materials and user manuals.

Technical and Price Proposals shall be structured as follows:

(1) Technical Proposal

The offeror's technical proposal shall be a separate and distinct document from the executed solicitation and price proposal. The offeror shall not include any pricing information in the technical proposal. Information submitted as part of the technical proposal may be incorporated into the resulting contract.

The technical proposal shall not contain any brochures, advertising or any other type of extraneous, graphic literature or documents that have not been requested and are not relevant and essential for proposal evaluation. Vendors may include references to accessible websites that contain product or other pertinent information.

Technical proposals must contain the following information:

(a) Technical Proposal Section 1 -

This section will demonstrate the offerors' understanding of the requirements of the Statement of Work (SOW), exclusive of sections 3.1.4, Optional Software Requirements; 3.1.5, Optional Usability Requirements; 3.2.2, Optional Technical Requirements; 3.3.3, Optional Transmission Requirements; 3.4.1, Optional Reporting Requirements; 4.2.1, Optional Distribution Requirements; 5.3, Optional Customer Service Requirements; 6.8, Optional Training Requirements; 6.9.2, and Optional Training Portal Requirements. This document must address each section of the statement of work and fully demonstrate the offeror's ability to comply with all requirements. A simple restating of the statement of work is not acceptable. When appropriate, this section may reference other sections of the offeror's proposal but must definitively demonstrate the offeror's ability to fulfill all requirements in each section.

(b) Technical Proposal Section 2 -

This section will demonstrate the offerors' ability to comply with the

solicitation's Past Performance requirement.

Offerors must submit the names of three (3) past or present customers for whom they have performed contracts for the delivery of electronic return preparation and transmission software and related support services within the past 5 years. These references may include past performance data for requirements where offerors performed as integrators, prime contractors or subcontractors on contracts with federal, state, and local government customers as well as those with commercial entities. Offerors may include valid past performance data for contracts for the delivery of products and services that are similar in nature and scope to the requirements under this solicitation when there is an insufficient number of electronic return preparation and transmission software contract experiences. This response may include relevant experience obtained under predecessor companies. Past performance references may also be included for proposed subcontractors, partners or key personnel that will perform major or critical aspects of the requirement.

Offerors shall provide the name (Name of Government or Commercial Entity) and address of the customer and a phone number, fax number and e-mail address of a customer point of contact for each performance reference. The contract title, number, value and period of performance shall also be provided as well as the name and phone numbers of the Contracting Officer and the Contracting Officer's Technical Representative where applicable. The offeror shall also identify whether the work was performed as an integrator, prime contractor or a subcontractor.

Offerors shall then provide a narrative that includes a brief description of the scope of the work performed and provides information on any problems encountered on the identified contracts and the offeror's subsequent corrective actions. This narrative should include information that addresses the key areas of this solicitation. In addressing these areas, the narrative must include information relating to the compliance with contract terms and conditions, the compliance with schedules, problem resolution, timely delivery, training, transmission services, software maintenance and support. Offerors should also include past performance information regarding their compliance with subcontracting plan goals that includes prior compliance with goals for small disadvantaged business (SDB) concerns, monetary targets for SDB participation, and any notifications submitted under FAR Part 19.1202-4(b).

The Government may contact some or all of the references to discuss and verify the information provided in this section. Therefore, the

offeror is responsible for assuring the references furnished and their e-mail, phone and fax numbers are current, complete and accurate in all instances. It shall not be the IRS' responsibility to follow up with past performance contacts who do not respond or for whom the contact information provided by the offeror is inaccurate, incomplete, or outdated.

(c) Technical Proposal Section 3 -

This section will demonstrate the offeror's ability to comply with the optional technical requirements found in sections 3.1.4, Optional Software Requirements; 3.1.5, Optional Usability Requirements; 3.2.2, Optional Technical Requirements; 3.3.3, Optional Transmission Requirements; 3.4.1, Optional Reporting Requirements; 4.2.1, Optional Distribution Requirements; 5.3, Optional Customer Service Requirements; 6.8, Optional Training Requirements; 6.9.2, and Optional Training Portal Requirements. Offerors must approach these optional technical requirements in the same manner as they addressed the mandatory requirements; fully addressing each of these sections to definitively demonstrate their ability to fulfill each of the requirements.

(d) Technical Proposal Section 4 -

This section of the proposal addresses the extent of participation of small disadvantaged business (SDB) concerns in performance of the contracts in the North American Industry Classification System (NAICS) Industry Subsectors as determined by the Department of Commerce (see FAR Part 19.201(b)), and to the extent authorized by law. Under this section, the offeror will identify any projected targets for Small Disadvantaged Business (SDB) Participation in the performance of this contract using the Small Disadvantaged Business Participation Table included at Attachment 3 of the solicitation. Offerors shall provide targets, expressed as dollars and percentages of total contract value, in each of the applicable, authorized NAICS Industry Subsectors, and a total target for SDB participation by the contractor, including joint venture partners, and team members, and a total target for SDB participation by subcontractors. SDB offerors that waive the SDB price evaluation adjustment in the clause at 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns, shall provide a target for the work that it intends to perform as the prime contractor. Any targets will be incorporated into and become part of any resulting contract. Contractors with SDB participation targets shall be required to report SDB participation.

(e) Technical Proposal Section 5 -

This section will demonstrate the offeror's ability to meet the

applicable technical requirements of Section 508 of the Rehabilitation Act under this solicitation. The IRS has determined which standards and provisions will apply, by product, to this award and those requirements have been provided in Attachment 1 of the statement of work entitled, 508 Work Sheets. The offeror shall complete the worksheets for each standard for each applicable product in accordance with the instructions provided in the attachment.

(2) Price Proposal

The price proposal shall be bound separately from the technical proposal. The price proposal shall consist of pricing for each of the items set forth in the solicitation's schedule. The document shall consist of a copy of the schedule with pricing provided in each blank for each item. The document shall include a summary page the sets forth the total proposed price per year and the total cumulative proposed price for the proposal. This summary page may be in either Microsoft Excel or Word format.

2. Small Business Subcontracting Plan

In accordance with FAR Part 19.7, offerors must complete and submit a Small Business Subcontracting Plan. Offerors may use Attachment 4 of the solicitation entitled, "Department of the Treasury Small, HUBZone Small, Small Disadvantaged, Women-Owned Small, Veteran-Owned Small, & Service Disabled Veteran-Owned Small Business Concerns Subcontracting Plan Outline" or offerors may submit an existing corporate plan, if it is more extensive. Any submitted plan must, at a minimum, contain the information requested in Attachment 4. Plans should adhere to the requirements under FAR 52.219-9, Small Business Subcontracting Plan

3. Copies of Software, Training Materials and User Manuals

Offerors must also include with their proposals two (2) production copies of their software, which the IRS will be authorized to test, along with two (2) copies of their commercial training materials and user manuals. Of the (2) copies, 1 copy (including the software, training materials and user manuals) must be sent to:

Internal Revenue Service
New Carrollton Federal Building
W&I:SPEC - Individual Marketing Services
5000 Ellin Road, C4-183
Lanham, Maryland 20706
Attn: Jackie Benjamin

The other copy must be sent to:

Internal Revenue Service
Arka Monterey Park Building
1973 North Rulon White Boulevard, MS 6502
Ogden, Utah 84404-4056
Attn: Howard Schuyler

During the proposal review process, the software will be subjected to testing.

4. Electronic Copies of Technical and Price Proposals

In addition to providing one completed hard copy of the proposal, offerors shall provide one (1) electronic copy of their technical proposal and one (1) electronic copy of their price proposal. These copies shall be structured in accordance with the criteria set forth above. The technical proposal shall be formatted in Microsoft Word and the price proposal shall be formatted in either Microsoft Word or Excel. These electronic copies may be used interchangeably with their hard copy counterparts by the Procurement Office and the technical evaluation team and therefore, shall be identical to the hard copies of the technical and price proposals.

III. Proposal Delivery Instructions

The hard copy of the complete proposal, with the exception of the software, training and user manuals; shall be mailed to: IRS National Office Procurement, 6009 Oxon Hill Road, Suite 500, Oxon Hill, MD 20745, Attn: Christopher D. Wright, OS:A:P:I:F:B. The electronic copies of the technical and price proposals may be submitted by e-mail to leona.m.brown@irs.gov or by Compact Disc (CD), however the method must allow electronic transmission of the documents by the contracting officer to the technical team and must allow electronic access to the information by individuals with disabilities. Offerors wishing to hand-carry documents may contact Leona M. Brown at (202)283-1296 to coordinate drop-off.

All copies of the proposal must arrive by the closing date and time of the solicitation. All copies must be structured as set forth above and must be provided in the stated quantities and formats. Proposals that are not compiled accordingly may be considered non-responsive and ineligible for inclusion in the competitive range, if discussions are determined necessary, and ineligible for award. Any questions or concerns regarding proposal structure or delivery may be submitted in accordance with Section I, QUESTIONS/PROPOSAL DUE DATES, above.

IV. MULTIPLE OFFERS AND SINGLE AWARD

FAR 52.212-1(e), Multiple offers, is not applicable to this acquisition.

Offerors are not authorized to submit multiple, alternative offers in response to this solicitation.

FAR 52.212-1(h), Multiple awards, does not apply to this acquisition. Only one award will result from this solicitation. Offerors proposals must demonstrate an ability to provide the entire requirement.

V. DISCUSSIONS

In accordance with FAR 52.212-1(g), the Government intends to evaluate offers and award a contract without discussions with offerors. Therefore, the offeror's initial offer should contain the offeror's best terms from a price and technical standpoint. However, the Government reserves the right to conduct discussions if later determined by the contracting officer to be necessary.

ADDENDUM TO FAR 52.212-2

I. EVALUATION METHODOLOGY

Phase 1

Under this phase, the TET will evaluate Section 1 of each offeror's proposal to assess each offeror's ability to meet the Mandatory Requirements of the statement of work. This evaluation will use the technical requirements of the statement of work as its basis for evaluating the technical acceptability of each proposal. In addition, the TET will access the IRS' Third-party data store to ensure the proposed software and transmitter are identified as "IRS accepted". The "Optional" requirements listed in the statement of work and included in Section 3 of the proposals will not be evaluated under this phase.

This evaluation will take the form of a "pass" or "fail" rating as to the question of an offeror's ability to comply with each of the mandatory technical requirements.

The proposal should address each section of the statement of work and fully demonstrate the offeror's ability to comply with all requirements within each section. A simple restating of the statement of work is not acceptable.

Testing will be conducted during this phase of the evaluation as well as during Phase 2 for eligible proposals. If information is obtained through testing that contradicts information provided in the technical proposal, the testing results shall be given precedence. Offerors must receive a rating of "pass" under all mandatory technical requirements of the statement of work to be eligible for award and to move into Phase 2 of the evaluation.

Phase 2

Under this phase of the evaluation, the TET will review Sections 2, 3, 4 and 5 of each eligible proposal. The evaluation of Section 2 will assess each offeror's Past Performance. The review of Section 3 will assess each offeror's ability to comply with the optional requirements of the statement of work. The evaluation of Section 4 will assess each offeror's commitment to using SDB concerns in the performance of the work and the evaluation of Section 5 will assess each offeror's ability to comply with the technical standards issued by the Architectural and Transportation Barriers Compliance Board (Access Board), pursuant to Section 508 (a) (2) (A) of the Rehabilitation Act Amendments of 1998.

Additional information is provided below regarding the evaluation of each

section of the proposal under Phase 2 of the evaluation. Please note, these factors are listed in an order that is consistent with the instructions in the addendum to FAR 52.212-1. The order of presentation has no bearing and does not change the evaluation methodology set forth in FAR 52.212-2.

(1) Past Performance

The TET will evaluate Section 2 of each offeror's proposal to assess past performance. Under this assessment, the TET will review each offeror's past performance history to assess the relative risks associated with the offeror's ability to perform the contract successfully. Offerors will be rated as either "Low Risk", "Moderate Risk", "High Risk" or "Unknown Risk". The categories are defined as follows:

1. "Low Risk" - Little doubt exists, based on the offeror's performance record, that the offeror can perform the proposed effort.
2. "Moderate Risk" - Some doubt exists, based on the Offeror's performance record, that the offeror can perform the proposed effort.
3. "High Risk" - Significant doubt exists, based on the offeror's performance record, that the Offeror can perform the proposed effort
4. "Unknown Risk" - Little or no relevant performance record identifiable; equates to an unknown risk rating having no positive or negative evaluation significance.

The team will review Section 2 of the proposals, any past performance information contained in the Third-party data store, any relevant data obtained by the CO from the Past Performance Information Retrieval System (PPIRS) as well as any relevant past performance data obtained from any other source.

The TET will consider the currency and relevance of the information, source of the information, context of the data, and general trends in an offeror's performance. The TET will consider past performance information for past (within the last 5 years) or current contracts (including Federal, State, and local government and private) for efforts similar to this requirement. The CO, as the source selection authority, shall determine the relevance of similar past performance information.

The IRS will consider past performance of offerors in complying

with subcontracting plan goals for small disadvantaged business (SDB) concerns under the SDB Participation Evaluation, however, the IRS will consider the offeror's compliance with other subcontracting plan goals under this factor.

In the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror will not be evaluated favorably or unfavorably on past performance.

(2) Optional Requirements

The evaluation of Section 3 will be conducted using the factors and subfactors below. The relative importance of these factors and subfactors is denoted by their designated point values. Offerors' scores under each factor will be determined by adding the total points for each subsequent subfactor that they have demonstrated the ability to provide. Offerors must demonstrate the ability to provide all requirements under each subfactor to receive credit under that subfactor. Partial credit for a particular subfactor will not be given.

Factor 1 - SOW Section 3.1.4, Optional Software Requirements (Total Value - 34 Points)

Subfactors - Both the desktop and web-based software shall:

1. Provide a multilingual capability that includes ability to print tax returns in English and Spanish. (6 Pts)
2. Provide interview-based data entry capabilities for state tax returns. (2 Pts)
3. Be capable of switching between form-based and interview-based data entry modes in real-time. (6 Pts)
4. Provide the capability to require a sub-set of users (as determined by the site coordinator) to mandatorily use the interview-based mode. (6 Pts)
5. Incorporate capability for a third party review of returns (by site coordinators or their designated reviewers), prior to printing or e-filing of the return. (2 Pts)
6. Provide an audit trail that identifies who created/edited the return data and date created/edited. (6 Pts)
7. Provide automated determination of entitlements eligibility, like food

stamps and health care assistance. (6 Pts)

Factor 2 - SOW Section 3.1.5, Optional Usability Requirements
(Total Value - 38 Points)

Testing will be conducted using the contractor supplied software, training material and manuals to evaluate proposals under this factor. The IRS will be conducting testing the week of December 1, 2008 between the hours of 8:00 a.m. and 5:00 p.m. (Mountain Time Zone). During this phase, the IRS plans to prepare and transmit test returns to the offeror and will expect acknowledgements of receipt using the offeror's tax year 2007 software. Below are specific technical clarifications and requirements that your company must have resolved by December 1st. To conduct this testing, the IRS must have the following:

1. Permission to copy the CD and instruction/training material provided as part of the initial proposal.

2. A technical point of contact (POC) and a back-up. The IRS will need someone available for technical support and to provide acknowledgement that the transmissions were received. Quick access to the POC will be needed since this is a time-based test and the testers will only be available for a limited amount of time each day.

3. The offeror must provide instructions for testing their tax year 2007. There will be 8 testers preparing multiple returns. For instance, when preparing the return, what social security numbers should be used for the test? Should the EFIN be used as part of the SSN? The IRS will need the ability to transmit the returns via Internet, dial-up modem from the stand alone software application and the web-based application.

4. Does the IRS need a training EFIN and Registration code to load and use the software? If one is needed, it must be provided. (Again, the IRS needs to know what is required to prepare and transmit returns using the offeror's tax year 2007 software and receive acknowledgement from the offeror for receipt of the return.)

5. The IRS needs a phone number for dial-up transmission and a URL for Internet transmission to the offeror for use in transmitting a test return during the testing phase of the software. (Since it is a requirement that the potential contractor be able to accept both Internet and dial-up modem transmissions, the IRS will be testing both methods.)

6. The IRS will need access to the offeror's web-based application. Access includes the ability to prepare and transmit a return to the offeror and receive an acknowledgement of a successful transmission.

The technical POC for the Usability Lab is Howard Schuyler. His email address is howard.schuyler@irs.gov and his phone number is 801-620-4056. Mr. Schuyler can assist offerors with any technical set up concerns/questions. Please note that Mr. Schuyler is not a member of the evaluation team or the Procurement Office and has no knowledge of the overall procurement. His function is solely to assist you with the technical aspects of setting up your product for testing.

Subfactors

1. The desktop and web software should be easy to navigate, fault tolerant and user friendly to allow first time or inexperienced users of the software to input tax returns error free. (6 Pts)
2. The desktop and web software should contain both multimedia (both visual and audio) and textual help files. (6 Pts)
3. The contractor should agree to customize certain features of the software specifically for use within the tax assistance programs. Examples of such customization include blocking bank products, or presetting default values within the software in order to reduce volunteer burden. (3 Pts)
4. The desktop and web software versions should provide online accessible tutorials to help users understand how to use the software. (6 Pts)
5. The desktop and web software should provide a “What’s New” section, with details on updates to the software and to tax law changes for the current tax year. (2 Pts)
6. The desktop and web software should provide error messages that are in plain-language, and explain how to recover from the error. (6 Pts)
7. The desktop and web software should provide context sensitive help, including form-specific and field-specific help instructions. (6 Pts)
8. The user interface, terminology and data entry methods for the Desktop and Web software should be similar – such that a user, who is trained on one version, will be able to utilize the other version with minimal retraining effort. (3 Pts)

Factor 3 - SOW Section 3.2.2, Optional Technical Requirements (Total Value - 6 Points)

Subfactors

1. The contractor's software shall be compatible with future Microsoft desktop operating system versions. This compatibility shall be communicated by the contractor within twelve months after the commercial release of this operating system version. (3 Pts)
2. The contractor's web-based software shall be compatible with future versions of the Microsoft Internet Explorer Browser. This compatibility shall be communicated by the contractor within twelve (12) months after the commercial release of the Internet Explorer version. (3 Pts)

Factor 4 - SOW Section 3.3.3, Optional Transmission Requirements
(Total Value 6 Points)

Subfactors

1. The contractor's software shall have the ability to allow only specific EFINs to transmit returns on behalf of the IRS Tax Assistance Programs. (3 Pts)
2. Provision of process to all these EFINs to be designated by the IRS POC from time to time. (3 Pts)

Factor 5 - SOW Section 3.4.1, Optional Reporting Requirements
(Total Value - 3 Points)

The contractor's software shall provide the ability for appropriately authorized users to create and run customized (also called "Adhoc") reports, based on a selection of data fields.

Factor 6 - SOW Section 4.2.1, Optional Distribution Requirements
(Total Value - 9 Points)

Subfactors

1. The contractor will provide for electronic distribution availability of the initial desktop version for each contract year. (3 Pts)
2. The contractor shall provide automatic e-mail notifications of updates and changes to the software, to the IRS licensees who have been shipped the software. The e-mails of the IRS licensees will be provided during the ordering process. (3 Pts)
3. The contractor shall provide the ability for IRS licensees to designate additional notification POC, who will also receive automatic e-mail notifications of updates and changes to the software. (3 Pts)

Factor 7 - SOW Section 5.3, Optional Customer Service Requirements
(Total Value - 13 Points)

Subfactors

1. The contractor shall provide first-level chat-based customer service. (1 Pt)
2. The contractor shall maintain a web site designed for the tax professionals (not just the "user"). (3 Pts)
3. The contractor shall participate in conference calls with IRS licensees if needed. (3 Pts)
4. The contractor shall work with the IRS on partner/employee/volunteer communications relating to their products. (3 Pts)
5. The front-line assistors will be provided a minimum of three weeks training on the customer's product. (3 Pts)

Factor 8 - SOW Section 6.8, Optional Training Requirements
(Total Value - 18 Points)

Subfactors

1. The contractor's program shall include and score IRS tax law certification tests. (3 Pts)
2. The contractor's training shall include "trouble-shooting" scenarios. (3 Pts)
3. The current year software shall be available for training by November 10 of every year. (3 Pts)
4. The contractor shall provide an online training environment for their software, which shall be accessible to all IRS licensees. (3 Pts)
5. The contractor shall provide the electronic format of the training course material to each IRS licensee annually with the shipment of the CDs. (3 Pts)
6. The contractor shall add IRS approved publications to the CDs that are shipped annually to the IRS licensees. (3 Pts)

Factor 9 - SOW Section 6.9.2, and Optional Training Portal Requirements

(Total Value - 6 Points)

1. The site administrator shall monitor training progress on the contractor's training portal for all IRS licensee users setup under their site identification number (EFIN).
2. The IRS POC, and his/her designee, will be able to monitor progress on all users setup under the IRS umbrella.

(3) SDB Participation

In the review of Section 4, the IRS will evaluate the extent of participation of Small Disadvantaged Business (SDB) concerns in the performance of the proposed contract. The evaluation will be based on information obtained from the Small Disadvantaged Business Participation Table provided by the offeror, any relevant information obtained from Section 2 of the proposal and any other references available to the Government. The evaluation of SDB participation will be based on consideration of all relevant facts and circumstances; it will not be based on absolute standards of acceptable performance. The Government's conclusions about overall commitment and realism of the offeror's SDB participation plan will be considered in determining the relative merits of the offeror's proposal and will be a factor in the IRS' best value determination. In assessing this factor, the IRS will consider:

- (a) The extent to which SDB concerns are specifically identified.
- (b) The extent of commitment to use SDB concerns.
- (c) The complexity and variety of the work SDB concerns are to perform
- (d) The realism of the proposed plan
- (e) Past performance of offerors in complying with subcontracting plan goals for SDB concerns and monetary targets for SDB participation.
- (f) The extent of participation of SDB concerns in terms of the value of the total acquisition.

(4) Section 508 of the Rehabilitation Act

The evaluation of Section 5 will consist of an assessment of each offeror's ability to comply with the applicable technical requirements of Section 508 of the Rehabilitation Act. Provided all non-Section 508

technical requirements are met, the IRS must acquire the product that fully meets the Access Board's technical provisions and the accessibility needs of the intended end users. If no offered product meets all of the technical provisions, the Access Board's standards require an agency to "procure the product that best meets the standards" (see 36 CFR 1194.2(b)), unless an undue burden determination justifies otherwise. Designating this procurement as an undue burden will be considered only if after all proposals have been evaluated; and based on both technical and pricing information provided, it is deemed that such a determination is warranted.

The IRS has determined which standards and provisions will apply, by product, to this award and those requirements were provided in Attachment 1 of the statement of work. Each offeror will demonstrate his compliance with these requirements by completing the attachment and including it in his proposal as Section 5. The TET will review each document and determine each offeror's total score in accordance with the ratings set forth in the attachment.

Small Business Subcontracting Plan

The Small Business Subcontracting Plan is a separate document from the Small Disadvantaged Business Participation Table required under Technical Proposal Section 4. This plan will not be rated under the technical evaluation, however; in accordance with FAR 52.219-9, the plan shall be included in and made a part of the resultant contract. Failure to submit and negotiate a subcontracting plan shall make the offeror ineligible for award of a contract.

Price

Price analysis will be conducted in accordance with the applicable techniques cited in FAR 15.404-1(b) and in accordance with FAR 15.404-1(g).